

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:

Norman Hugh Smith

S.S. No.: xxx-xx-7739

Mailing Address: 1203 Park Avenue, Durham, NC 27701-

Case No. 10-81240

Debtor.

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor has filed for relief under Chapter 13 of the United States Bankruptcy Code on July 15, 2010.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtor's proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: August 10, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s John T. Orcutt

John T. Orcutt
N.C. State Bar No. 10212
Counsel for the Debtor
6616-203 Six Forks Rd.
Raleigh, N.C. 27615
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

**CH. 13 PLAN - DEBTS SHEET
(MIDDLE DISTRICT - DESARDI VERSION)**

Date: **4/12/10**

Lastname-SS#: **smith Refile -7739**

RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Retain	Creditor Name	Sch D #	Description of Collateral

SURRENDER COLLATERAL

Creditor Name	Description of Collateral

ARREARAGE CLAIMS

Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)

REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

LID - DOL ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		

STD - SECURED DEBTS \leq FMV

Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				5.00			
				5.00			
				5.00			
				5.00			

STD - SECURED DEBTS \geq 100%

Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				5.00			
				5.00			
				5.00			
				5.00			
				5.00			

ATTORNEY FEE (Unpaid part)

Amount: **\$2,700**

SECURED TAXES

Secured Amt: **\$45,000**

IRS Tax Liens

Amount: **\$45,000**

Real Property Taxes on Retained Realty

Amount: **\$0**

UNSECURED PRIORITY DEBTS

Amount: **\$0**

IRS Taxes

Amount: **\$21,466**

State Taxes

Amount: **\$0**

Personal Property Taxes

Amount: **\$0**

Alimony or Child Support Arrearage

Amount: **\$0**

CO-SIGN PROTECT (Pay 100%)

Int. %: **0** Payoff Amt: **\$0**

All Co-Sign Protect Debts (See*)

Amount: **\$0**

GENERAL NON-PRIORITY UNSECURED

Amount: **\$0**

DMI= **None(\$0)** **None(\$0)**

PROPOSED CHAPTER 13 PLAN PAYMENT

\$	\$1,223	per month for	60	months, then	
\$	N/A	per month for	N/A	months.	

Adequate Protection Payment Period: **2.35** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

* = May include up to 2 post-petition payments.

* Co-sign protect on all debts so designated on the filed schedules.

** = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan_MD_(DeSardi Version 1/12/10) © LOJTO

Other Miscellaneous Provisions

Plan to allow for 3 "waivers".

Citimortgage is unsecured for failure to properly join the debtor's spouse in that Deed of Trust recorded in Book 2535, Page 532.

CERTIFICATE OF SERVICE

I, Jay Ballentine, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

All the creditors set forth on the mailing matrix filing in this case.

/s Jay Ballentine

Jay Ballentine

North Carolina Department of Revenue c/o NC Department of Justice Post Office Box 629 Raleigh, NC 27602-0629	Internal Revenue Service (ED)** Post Office Box 21126 Philadelphia, PA 19114-0326	BP 5301 Maryland Way Brentwood, TN 37027
Employment Security Commission Attn: Benefit Payment Control Post Office Box 26504 Raleigh, NC 27611-6504	US Attorney's Office (ED)** 310 New Bern Avenue Suite 800, Federal Building Raleigh, NC 27601-1461	Brock, Scott, & Ingersoll, PLLC 108 Giles Avenue, Ste 102 Wilmington, NC 28403
Credit Bureau Post Office Box 26140 Greensboro, NC 27402	Absolute Collection Service 421 Fayetteville Street Mall Ste 600 Raleigh, NC 27601	Capital One Post Office Box 85830 Richmond, VA 23285-5830
NC Child Support Centralized Collections Post Office Box 900006 Raleigh, NC 27675-9006	American General Finance 3117 Shannon Road Suite C Durham, NC 27707-2159	Cingular Wireless** 826 East Park Drive Grayson, KY 41143
Equifax Information Systems LLC P.O. Box 740241 Atlanta, GA 30374-0241	Aspire ** Post Office Box 105555 Atlanta, GA 30348-5555	Citifinancial 3604 University Drive Durham, NC 27707
Experian P.O. Box 2002 Allen, TX 75013-2002	Aspire Visa P.O. Box 23007 Columbus, GA 31902-3007	Citifinancial Post Office Box 70918 Charlotte, NC 28272-0918
Innovis Data Solutions Attn: Consumer Assistance P.O. Box 1534 Columbus, OH 43216-1534	Associated Credit Services, Inc. Post Office Box 9100 Hopkinton, MA 01748-9100	CitiFinancial P.O. Box 6931 The Lakes, NV 88901-6931
Trans Union Corporation P.O. Box 2000 Crum Lynne, PA 19022-2000	At Home Professions	Citifinancial Mortgage P.O. Box 142199 Irving, TX 75014-2199
ChexSystems Attn: Consumer Relations 7805 Hudson Road, Ste. 100 Woodbury, MN 55125	AT&T Post Office Box 8212 Aurora, IL 60572-8212	CitiFinancial Mortgage P.O. Box 9023 Des Moines, IA 50368-9023

Credit Bureau of Greensboro** Post Office Box 26140 Greensboro, NC 27402-0040	Internal Revenue Service (MD) Post Office Box 21126 Philadelphia, PA 19114-1126	Tribute Post Office Box 105374 Atlanta, GA 30348-5374
Dick Patton 2030 I-85 Service Road Durham, NC 27705	Internal Revenue Service (MD)** Post Office Box 21126 Philadelphia, PA 19114-0326	United States Attorney Middle District Post Office Box 1858 Greensboro, NC 27402
Duke University Hospital** PO Box 15000 Durham, NC 27704	North Carolina Department of Revenue c/o Reginald S. Hinton Post Office Box 25000 Raleigh, NC 27640-5000	US Attorney's Office (MD)** Middle District Post Office Box 1858 Greensboro, NC 27502-1858
Durham County Tax Collector Post Office Box 3397 Durham, NC 27701	North Carolina Dept of Revenue** Post Office Box 1168 Raleigh, NC 27602-1168	Wells Fargo 6815 Fayetteville Road Suite 102 Durham, NC 27713-6815
Durham Regional Hospital and Emergency Medical Service 402 Stadium Drive Durham, NC 27704	Orchard Bank c/o Household Credit Services Post Office Box 5222 Carol Stream, IL 60197-5222	
Eugene Tatum Post Office Box 15095 Durham, NC 27704	Rent-A-Center 827-C N. Miami Blvd. Durham, NC 27707	
Fannie Mae 3900 Wisconsin Ave, NW Washington, DC 20016-2892	Sheryl Smith Unknown	
Freddie Mac 8200 Jones Branch Dr Mc Lean, VA 22102-3100	Suncor Wireless Post Office Box 96067 Charlotte, NC 28296-0067	
HSBC P O Box 80084 Salinas, CA 93912	The Money Centre Post Office Box 470375 Charlotte, NC 28247	